

House File 729

H-1221

1 Amend House File 729 as follows:

2 1. Page 1, line 5, by striking <subsection 2> and inserting
3 <subsection 3>

4 2. Page 1, line 33, after <514J.102.> by inserting <"*Health*
5 *carrier*" does not include the department of human services,
6 or a managed care organization acting pursuant to a contract
7 with the department of human services to administer the medical
8 assistance program under chapter 249A or the healthy and well
9 kids in Iowa (hawk-i) program under chapter 514I.>

10 3. Page 1, after line 33 by inserting:

11 <____. "*Incentive-based program*" means a program by which a
12 pharmacy benefits manager or a health carrier pays a pharmacy
13 based on the pharmacy's performance in relation to objective,
14 patient-focused criteria.>

15 4. Page 3, after line 4 by inserting:

16 <____. "*Specialty drug*" means a prescription drug that a
17 health carrier has designated as a specialty drug and that has
18 either of the following characteristics:

19 a. The United States food and drug administration has
20 designated the prescription drug an orphan drug.

21 b. The manufacturer of the prescription drug, or the United
22 States food and drug administration, restricts distribution of
23 the prescription drug to a limited number of distributors.>

24 5. Page 3, after line 14 by inserting:

25 <Sec. _____. Section 510B.3, subsection 2, Code 2021, is
26 amended to read as follows:

27 2. A pharmacy benefits manager, as an agent or vendor
28 of an insurance company, is subject to the commissioner's
29 authority to conduct an examination pursuant to [chapter 507](#).
30 The procedures set forth in [chapter 507](#) regarding ~~examination~~
31 ~~reports~~ examinations shall apply to an examination of a
32 pharmacy benefits manager under [this chapter](#).>

33 6. Page 4, line 30, after <1.> by inserting <a.>

34 7. Page 4, after line 33 by inserting:

35 <b. Notwithstanding paragraph "a", a pharmacy located in the

1 state may be prohibited from participating in a specialty drug
2 pharmacy network even if the pharmacy accepts the same terms
3 and conditions as the pharmacy benefits manager imposes on the
4 pharmacies in the specialty drug pharmacy network.>
5 8. Page 5, line 21, after <4.> by inserting <a.>
6 9. Page 5, line 24, by striking <at least> and inserting
7 <other pharmacies in the same network.>
8 10. Page 5, by striking lines 25 and 26.
9 11. Page 5, before line 27 by inserting:
10 <b. Notwithstanding paragraph "a", a covered person may
11 be prohibited from filling a prescription drug order for a
12 specialty drug at certain pharmacies located in the state
13 even if the pharmacy accepts the same terms and conditions
14 as the pharmacy benefits manager imposes on at least one of
15 the pharmacy networks that the pharmacy benefits manager has
16 established in the state for filling the same type of specialty
17 drug prescription drug orders.>
18 12. Page 5, line 27, after <5.> by inserting <a.>
19 13. Page 5, after line 30 by inserting:
20 <b. Notwithstanding paragraph "a", a pharmacy benefits
21 manager may impose different cost-sharing or additional
22 fees on a covered person based on the pharmacy at which the
23 covered person fills the covered person's prescription drug
24 order if the cost-sharing or additional fees are related to
25 a prescription drug order for a specialty drug, or to an
26 incentive-based program.>
27 14. Page 5, line 31, after <6.> by inserting <a.>
28 15. Page 5, after line 35 by inserting:
29 <b. If a pharmacy declines to dispense a prescription drug
30 to a covered person under paragraph "a", the pharmacy shall
31 dispense a substitute prescription drug if permitted pursuant
32 to section 510B.6.>
33 16. Page 6, line 2, by striking <drug> and inserting <drug,
34 other than a specialty drug,>
35 17. Page 7, line 2, before <A> by inserting <1.>

1 18. Page 7, line 6, after <pharmacy> by inserting <,
2 unless the difference in the reimbursement amount is due to an
3 incentive-based program in which the pharmacy is participating>
4 19. Page 7, after line 8 by inserting:
5 <2. Notwithstanding subsection 1, a pharmacy benefits
6 manager may reimburse any pharmacy located in the state in an
7 amount less than the amount that the pharmacy benefits manager
8 reimburses a pharmacy benefits manager affiliate for dispensing
9 the same specialty drug as dispensed by the pharmacy.>
10 20. Page 7, line 14, by striking <audit> and inserting
11 <audit, the claim has been fraudulently submitted, or the claim
12 is duplicative of a claim that has already been paid>
13 21. Page 8, by striking lines 11 through 13.
14 22. Page 8, by striking lines 15 through 31 and inserting
15 <appeal, the pharmacy benefits manager shall provide the
16 appealing pharmacy the national drug code number and the name
17 of a wholesale distributor licensed pursuant to section 155A.17
18 from which the pharmacy can obtain the prescription drug at or
19 below the maximum allowable cost.>
20 23. By striking page 9, line 7, through page 10, line 15.
21 24. Page 10, after line 25 by inserting:
22 <Sec. ____ NEW SECTION. 510B.13 **Applicability.**
23 This chapter shall not apply to a health benefit plan that
24 provides a prescription drug benefit for Medicare beneficiaries
25 under Medicare part D, 42 U.S.C. §1395w-101 et seq., and that
26 is administered by a pharmacy benefits manager.>
27 25. Page 10, line 26, by striking <510B.3> and inserting
28 <510B.10>
29 26. By renumbering, redesignating, and correcting internal
30 references as necessary.

BEST of Carroll